

TITLE 50 DEPARTMENT OF LOCAL GOVERNMENT FINANCE

Proposed Rule LSA Document #11-567

DIGEST

Amends 50 IAC 3.3-2-2 to clarify the definition of “annually assessed mobile home.” Amends 50 IAC 3.3-2-3 to add “manufactured home” to the definition of “mobile home.” Adds 50 IAC 3.3-2-3.5 to define “permanent foundation.” Amends 50 IAC 3.3-2-4 to clarify the definition of “real property mobile home.” Amends 50 IAC 3.3-3-1 to add “county assessor or township assessor, if any” and requires use of residential cost Schedule A. Adds 50 IAC 3.3-3-2 regarding liability for property tax. Amends 50 IAC 3.3-5-1 to add “county assessor or township assessor, if any.” Effective 30 days after filing with the Publisher.

50 IAC 3.3-2-2; 50 IAC 3.3-2-3; 50 IAC 3.3-2-3.5; 50 IAC 3.3-2-4; 50 IAC 3.3-3-1; 50 IAC 3.3-3-2; 50 IAC 3.3-5-1

SECTION 1. 50 IAC 3.3-2-2 IS AMENDED TO READ AS FOLLOWS:

50 IAC 3.3-2-2 "Annually assessed mobile home" defined

Authority: IC 6-1.1-7-2; IC 6-1.1-31-1

Affected: IC 6-1.1-7; IC 9-17-6

Sec. 2. "Annually assessed mobile home" means a mobile home that has a certificate of title issued by the bureau of motor vehicles under IC 9-17-6; **and is not on a permanent foundation.** *(Department of Local Government Finance; 50 IAC 3.3-2-2; filed Aug 15, 2007, 10:12 a.m.: 20070912-IR-050060560FRA)*

SECTION 2. 50 IAC 3.3-2-3 IS AMENDED TO READ AS FOLLOWS:

50 IAC 3.3-2-3 "Mobile home" defined

Authority: IC 6-1.1-7-2; IC 6-1.1-31-1

Affected: IC 6-1.1-7-1

Sec. 3. "Mobile home" means:

- (1) a dwelling as defined in IC 6-1.1-7-1(b); **and**
- (2) **a “manufactured home” as defined in IC 9-13-2-96.** *(Department of Local Government Finance; 50 IAC 3.3-2-3; filed Aug 15, 2007, 10:12 a.m.: 20070912-IR-050060560FRA)*

SECTION 3. 50 IAC 3.3-2-3.5 IS ADDED TO READ AS FOLLOWS:

50 IAC 3.3-2-3.5 “Permanent foundation” defined

Authority: IC 6-1.1-7-2; IC 6-1.1-31-1

Affected: IC 6-1.1-7; IC 9-17-6-15.5

Sec. 5 “Permanent foundation” means any structural system capable of transposing loads from a structure to the earth at a depth below the established frost line. (Department of Local Government Finance; 50 IAC 3.3-2-3.5)

SECTION 4. 50 IAC 3.3-2-4 IS AMENDED TO READ AS FOLLOWS:

50 IAC 3.3-2-4 "Real property mobile home" defined

Authority: IC 6-1.1-7-2; IC 6-1.1-31-1

Affected: IC 6-1.1-7; IC 9-17-6-15.5

Sec. 4. "Real property mobile home" means a mobile home that has an affidavit of transfer to real estate recorded by the county recorder under IC 9-17-6-15.5; **or has a certificate of title issued by the bureau of motor vehicles under IC 9-17-6 and is attached to a permanent foundation.** (Department of Local Government Finance; 50 IAC 3.3-2-4; filed Aug 15, 2007, 10:12 a.m.:20070912-IR-050060560FRA)

SECTION 5. 50 IAC 3.3-3-1 IS AMENDED TO READ AS FOLLOWS:

50 IAC 3.3-3-1 Method

Authority: IC 6-1.1-7-2; IC 6-1.1-31-1

Affected: IC 6-1.1-7

Sec. 1. (a) ~~The township assessor of the township within which the mobile home is located~~ **county assessor or township assessor, if any,** shall assess the mobile home for taxation under this article.

(b) A mobile home shall be assessed as real property under the department of local government finance real property assessment rules in effect on March 1 **using residential cost schedule A found in the department of local government finance's Real Property Assessment Guideline** if the mobile home meets the definition given in 50 IAC 3.3-2-4.

(c) A mobile home shall be assessed as inventory in accordance with the department of local government finance personal property rules in effect on March 1 if the mobile home is held for sale in the ordinary course of a trade or business.

(d) A mobile home and all exterior features, yard structures, and improvements owned by the mobile homeowner and located on the same parcel as the mobile home shall be annually assessed under 50 IAC 3.3-5-1(b) if the mobile home meets the definition given in 50 IAC 3.3-2-2. (Department of Local Government Finance; 50 IAC 3.3-3-1; filed Aug 15, 2007, 10:12 a.m.: 20070912-IR-050060560FRA)

SECTUION 6. 50 IAC 3.3-3-2 IS ADDED TO READ AS FOLLOWS:

50 IAC 3.3-3-2 Liability for Property Tax

Authority: IC 6-1.1-7-2; IC 6-1.1-31-1

Affected: IC 6-1.1-7

Sec. 2. (a) The owner of a real property mobile home on the assessment date of a year is liable for the taxes imposed for that year on the real property mobile home, unless a person holding, possessing, controlling, or occupying the real property mobile home on the

assessment date of a year is liable for the taxes imposed for that year on the property under a memorandum of lease or other contract with the owner that is recorded with the county recorder before January 1, 1998.

When a person other than the owner of the real property mobile home pays any property taxes, as required by this section and IC 6-1.1-2-4, that person may recover the amount paid from the owner, unless the parties have agreed to other terms in a contract.

(b) A person holding, possessing, controlling, or occupying an annually assessed mobile home on the assessment date of a year is liable for the taxes imposed for that year on the property unless:

- (1) the person establishes that the annually assessed mobile home is being assessed and taxed in the name of the owner; or
- (2) the owner is liable for the taxes under a contract with that person.

When a person other than the owner of the annually assessed mobile home pays any property taxes, as required by this section and IC 6-1.1-2-4, that person may recover the amount paid from the owner, unless the parties have agreed to other terms in a contract.

(c) An owner of a real property mobile home on the assessment date of a year that has an improvement or appurtenance that is:

- (1) assessed as real property; and
- (2) owned, held, possessed, controlled, or occupied on the assessment date of a year by a person other than the owner of the land;

is jointly liable for the taxes imposed for the year on the improvement or appurtenance with the person holding, possessing, controlling, or occupying the improvement or appurtenance on the assessment date in accordance with IC 6-1.1-2-4.

(d) An improvement or appurtenance to land that, on the assessment date of a year, is held, possessed, controlled, or occupied by a different person than the owner of the land may be listed and assessed separately from the land only if the improvement or appurtenance is held, possessed, controlled, or occupied under a memorandum of lease or other contract that is recorded with the county recorder before January 1, 1998 in accordance with IC 6-1.1-2-4. (*Department of Local Government Finance; 50 IAC 3.3-3-2*)

SECTION 7. 50 IAC 3.3-5-1 IS AMENDED TO READ AS FOLLOWS:

50 IAC 3.3-5-1 Criteria for valuation

Authority: IC 6-1.1-7-2; IC 6-1.1-31-1; IC 6-1.1-31-7

Affected: IC 6-1.1-7-2

Sec. 1. (a) ~~Township assessors~~ **County assessors or township assessors, if any,** shall use the standard of true tax value as set forth in the department of local government finance real property assessment rules in the assessment of mobile homes.

(b) All annually assessed mobile homes assessed after January 14, 2007, shall have a true tax value set at the least of the values determined using the following:

- (1) the National Automobile Dealers Association Guide;

(2) the purchase price of the mobile home if the:

(A) sale is of a commercial enterprise nature;

(B) buyer and seller are not related by blood or marriage; and

(C) the sale date is within one (1) year prior to or subsequent to the January 15 valuation date; or

(3) sales data for generally comparable mobile homes.

*(Department of Local Government Finance; 50 IAC 3.3-5-1; filed Aug 15, 2007, 10:12 a.m.:
20070912-IR-050060560FRA)*